
ENGROSSED SUBSTITUTE HOUSE BILL 2097

State of Washington

59th Legislature

2005 Regular Session

By House Committee on Select Committee on Hood Canal (originally sponsored by Representatives Eickmeyer, Upthegrove, Hunt, B. Sullivan, Chase, Ericks, McCoy, Hunter, Pettigrew and Appleton)

READ FIRST TIME 03/04/05.

1 AN ACT Relating to establishing a management program for Hood Canal
2 rehabilitation; adding new sections to chapter 90.-- RCW; creating a
3 new section; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that Hood Canal is
6 a precious aquatic resource of our state. The legislature finds that
7 Hood Canal is a rich source of recreation, fishing, aquaculture, and
8 aesthetic enjoyment for the citizens of this state. The legislature
9 also finds that Hood Canal has great cultural significance for the
10 tribes in the Hood Canal area. The legislature therefore recognizes
11 Hood Canal's substantial environmental, cultural, economic,
12 recreational, and aesthetic importance to Washington.

13 (2) The legislature finds that Hood Canal is a marine water of the
14 state at significant risk. The legislature finds that Hood Canal has
15 a "dead zone" related to low-dissolved oxygen concentrations, a
16 condition that has recurred for many years. The legislature also finds
17 this problem and various contributors to the problem were documented in
18 the May 2004 *Preliminary Assessment and Corrective Action Plan*

1 published by the state Puget Sound action team and the Hood Canal
2 coordinating council.

3 (3) The legislature further finds that significant research,
4 monitoring, and study efforts are currently occurring regarding Hood
5 Canal's low-dissolved oxygen concentrations. The legislature
6 recognizes that federal, state, tribal, and local governments and other
7 organizations and entities are coordinating research, monitoring, and
8 modeling efforts through the Hood Canal low-dissolved oxygen program.
9 The legislature also recognizes that these entities and others are
10 continuing individual efforts to study and identify potential solutions
11 for Hood Canal's low-dissolved oxygen concentrations. The legislature
12 also recognizes numerous public, private, and community organizations
13 are working to provide public education regarding Hood Canal's low-
14 dissolved oxygen concentrations. The legislature recognizes and
15 encourages the continuation of these efforts.

16 (4) The legislature finds a need exists for the state to take
17 additional action to address and resolve Hood Canal's low-dissolved
18 oxygen concentrations. The legislature also finds a need exists to
19 designate the state and local entities to develop, coordinate, and
20 administer a Hood Canal rehabilitation program and funding.

21 NEW SECTION. **Sec. 2.** (1) The development of a program for
22 rehabilitation of Hood Canal is authorized in Jefferson, Kitsap, and
23 Mason counties within the aquatic rehabilitation zone one.

24 (2) The Puget Sound action team is designated as the state lead
25 agency for the rehabilitation program authorized in this section.

26 (3) The Hood Canal coordinating council is designated as the local
27 management board for the rehabilitation program authorized in this
28 section.

29 NEW SECTION. **Sec. 3.** (1) The Hood Canal coordinating council
30 shall serve as the local management board for aquatic rehabilitation
31 zone one. The local management board shall coordinate local government
32 efforts with respect to the program authorized according to section 2
33 of this act. In the Hood Canal area, the Hood Canal coordinating
34 council also shall:

35 (a) Serve as the lead entity and the regional recovery organization

1 for the purposes of chapter 77.85 RCW for Hood Canal summer chum and
2 other salmon as agreed to by the governor's salmon recovery office; and

3 (b) Assist in coordinating activities under chapter 90.82 RCW.

4 (2) When developing and implementing the program authorized in
5 section 2 of this act and when establishing funding criteria according
6 to subsection (7) of this section, the Puget Sound action team and the
7 local management board shall solicit participation by federal, tribal,
8 state, and local agencies and universities and nonprofit organizations
9 with expertise in areas related to program activities. The local
10 management board may include state and federal agency representatives
11 as nonvoting management board members or may appoint them to a
12 technical advisory committee. The local management board also may
13 appoint additional persons to a technical advisory committee as needed.

14 (3) The local management board and the Puget Sound action team
15 shall participate in the development of the program authorized under
16 section 2 of this act.

17 (4) The local management board and its participating local and
18 tribal governments shall assess concepts for a regional governance
19 structure and shall submit a report regarding the findings and
20 recommendations to the appropriate committees of the legislature.

21 (5) Any of the local management board's participating counties and
22 tribes, any federal, tribal, state, or local agencies, or any
23 universities or nonprofit organizations may continue individual efforts
24 and activities for rehabilitation of Hood Canal. Nothing in this
25 section limits the authority of units of local government to enter into
26 interlocal agreements under chapter 39.34 RCW or any other provision of
27 law.

28 (6) The local management board may not exercise authority over land
29 or water within the individual counties or otherwise preempt the
30 authority of any units of local government.

31 (7) The local management board and the Puget Sound action team may
32 receive and disburse funding for projects, studies, and activities
33 related to Hood Canal's low-dissolved oxygen concentrations. The Puget
34 Sound action team and the local management board shall jointly
35 coordinate a process to determine the prioritization, approval, and
36 funding of projects, studies, and activities for which the Puget Sound
37 action team receives state funding specifically allocated for Hood
38 Canal corrective actions to implement this section. The local

1 management board and the Puget Sound action team shall establish
2 criteria for funding these projects, studies, and activities based upon
3 their likely value in addressing and resolving Hood Canal's low-
4 dissolved oxygen concentrations. Nothing in this section prohibits any
5 federal, tribal, state, or local agencies, universities, or nonprofit
6 organizations from receiving funding for specific projects that may
7 assist in the rehabilitation of Hood Canal.

8 (8) The local management board may hire and fire staff, including
9 an executive director, enter into contracts, accept grants and other
10 moneys, disburse funds, make recommendations to local governments about
11 potential regulations and the development of programs and incentives
12 upon request, pay all necessary expenses, and choose a fiduciary agent.

13 (9) The local management board shall report its progress on a
14 quarterly basis to the legislative bodies of the participating counties
15 and tribes and the participating state agencies. The local management
16 board also shall submit an annual report describing its efforts and
17 successes in implementing the program established according to section
18 2 of this act to the appropriate committees of the legislature.

19 NEW SECTION. **Sec. 4.** Sections 2 and 3 of this act are each added
20 to chapter 90.-- RCW (the new chapter created in Substitute House Bill
21 No. 2081).

22 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
23 preservation of the public peace, health, or safety, or support of the
24 state government and its existing public institutions, and takes effect
25 immediately.

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